

REMARKS

This is a full and timely response to the outstanding Office Action mailed August 10, 2004. Claims 1 – 20 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Double Patenting Rejection

The Office Action indicates that claims 1 – 20 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 – 20 of prior application 10/047,266. Applicant respectfully traverses the rejection.

As best understood by Applicant, Application 10/047,266 (“the ‘266 application”) was published as U.S. 2003/0132197 A1, and issued as U.S. Patent No. 6,774,044. Although having the first-named inventor, *i.e.* Chih-Ming Ke, in common, the subject matter claimed in the ‘266 application is entirely unrelated to that claimed in the instant application. For instance, claim 1 of the ‘266 application, as issued in U.S. Patent No. 6,774,044, recites “A method comprising: plasma curing a semiconductor wafer having at least one photoresist layer. . .” In contrast, claim 1 of the instant application recites: “A method of focusing a scanning electron microscope, comprising: providing a magnetic lens, an image detector, and a wafer holder. . .” Furthermore, the present application has 30 claims pending, and the issued patent of application serial number 10/047,266 issued with only seven claims. Therefore, Applicant respectfully asserts that the rejection, as best understood, is improper, and respectfully requests that the rejection be removed.

Since the Office Action fails to cite other grounds for rejection, Applicant respectfully asserts that the presently pending claims are in condition for allowance. If, however, the

rejection is to be maintained, Applicant respectfully requests clarification and an opportunity to respond in a subsequently issued non-final action.

Cited Art Made of Record


The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel R. McClure", is written over a horizontal line.

Daniel R. McClure, Reg. No, 38,962

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